



RSC Policy Brief: Vote Fraud in 2008

Updated: September 3, 2008

Context: Because of the hotly contested presidential election this year, and the narrow margin by which Democrats hold both chambers of Congress, the issue of election integrity remains important, as accusations of vote fraud continue to circulate.

This RSC Policy Brief, which will continue to be updated periodically throughout the year, features a running list of examples of vote fraud reported in the media and highlights the legislative proposals introduced to increase—or arguably to decrease in some cases—the integrity of elections nationwide. This document is not intended to be exhaustive. **Feel free to send any examples of vote fraud to paul.teller@mail.house.gov.**

Running List of Examples of Vote Fraud Reported in the Media:

This list will be updated as necessary throughout 2008.

- On September 1, 2008, Milwaukee election officials announced that they were seeking criminal investigations of ten additional voter registration workers, most of whom appear to have falsified driver's license numbers, Social Security numbers, or other information on hundreds of voter registration cards. All of the workers were paid by ACORN, the Association of Community Organizations for Reform Now.
<http://www.jsonline.com/story/index.aspx?id=788738>
- On August 27, 2008, ACORN curtailed its voter registration activities in Cuyahoga County, Ohio, after election officials announced they were investigating ACORN's suspicious activities there. ACORN workers reportedly often handed in the same name on a number of voter registration cards, but showing that person living at different addresses. Other times, cards had the same name listed, but a different date of birth. Still others showed a number of people living at an address that turned out to be a restaurant.
http://blog.cleveland.com/metro/2008/08/cuyahoga_board_probes_voter_re.html
- In August 2008, the Milwaukee Election Commission announced that criminal investigations could be launched against at least six voter registration workers (for ACORN) who tried to add dead, imprisoned, or imaginary people to the voter rolls. [An investigation has since commenced, and criminal charges may soon be filed.]

<http://www.jsonline.com/story/index.aspx?id=780716>

- In July 2008, three canvassers in the Hampton Roads area of Virginia admitted to putting fake names on at least 80 voter registration applications, and the news report says that similar activities have been discovered in other Virginia counties.
http://www.wvec.com/news/topstories/stories/wvec_local_072508_voter_reg_fraud.8d53914a.html
- In July 2008, central Pennsylvania authorities offered a \$2,000 reward for information on the whereabouts of a temporary worker for ACORN, accused of submitting more than 100 fraudulent voter registration forms.
<http://www.pennlive.com/news/patriotnews/index.ssf?/base/news/1216864520180960.xml&coll=1>
- On July 16, 2008, an Ohio University student admitted to voting twice in the presidential primary election in Ohio.
<http://www.wsaz.com/home/headlines/25501614.html>
- In June 2008, it was reported that the large voting drive in Louisiana, chiefly organized by Voting Is Power (VIP) and financed by the Democrat Party, yielded thousands of invalid ballot applications, including some with fake addresses and the names of deceased people.
<http://www.nola.com/timespic/stories/index.ssf?/base/news-0/121318801162320.xml&coll=1>
- In June 2008, the Doña Ana County Bureau of Elections (New Mexico) warned citizens against registering to vote with third-party groups after the office received multiple complaints of groups spreading voting misinformation.
<http://www.topix.com/county/dona-ana-nm/2008/06/do-a-ana-county-election-officials-warn-about-misleading-voter-registration-activities>
- On June 9, 2008, it was reported that deceased people were still voting in Connecticut, some more than a dozen times since dying.
<http://elections.foxnews.com/2008/06/09/dead-voters-still-showing-up-on-election-records-puzzling-officials/>
- On April 11, 2008, a St. Louis man admitted he applied for and used his dead mother's absentee ballot to vote in Missouri on Super Tuesday in February. In July, he was sentenced to a month of home confinement and assessed a \$2,000 fine.
<http://www.columbiatribune.com/2008/Apr/20080412News008.asp>
<http://www.stltoday.com/stltoday/news/stories.nsf/stlouiscitycounty/story/901F2200A2F07CD38625748A000DD8F4?OpenDocument>
- On April 2, 2008, eight workers for ACORN, the Association of Community Organizations for Reform Now, pleaded guilty to federal election fraud for submitting

registration cards for the 2006 election using false addresses, made-up names, and forged signatures. <http://www.freerepublic.com/focus/f-news/1995724/posts>

- On March 13, 2008, Philadelphia election officials accused ACORN, the Association of Community Organizations for Reform Now, of submitting voter-registration paperwork without sufficient data, with discrepancies, or for people already registered. Election commissioners are asking the District Attorney's Office to investigate ACORN's registration efforts prior to the Pennsylvania presidential primary next month.
http://www.philly.com/dailynews/local/20080313_City_reminds_Philadelphia_of_March_24_voter-registration_deadline.html
- On March 4, 2008, the Hillary Clinton campaign accused the Barack Obama campaign of voting irregularities in Texas, including prematurely removing convention packets from polling places, locking Clinton supporters out of caucus sites, and filling out precinct convention sign-in sheets during the day and submitting them as completed vote totals at caucus.
<http://corner.nationalreview.com/post/?q=MWMYyYWM0YjA0MGY4YzZmZnE5M2I5MjIhMDRiMjFIOTQ=>
- On February 26, 2008, a detailed report on election irregularities in Milwaukee for the 2004 general election was released. Among the irregularities cited are:
 - 4,600 more votes cast and counted than voters recorded as having cast ballots;
 - 18 felons sworn in as deputy registrars for the 2004 election, eight of whom listed ACORN as their sponsoring organization;
 - 1,305 votes by “on-site” registrants who provided registration forms lacking sufficient information to be entered into a permanent database, including 48 voters who provided no name and 854 voters who provided no address;
 - Numerous instances of ballots cast by ineligible “not in city” registrants;
 - At least 16 cases of campaign workers from out-of-state who voted while employed by a group or campaign attempting to influence the election;
 - Four deceased persons recorded as having voted; and
 - At least three instances of votes cast by ineligible felons.http://media2.620wtmj.com/breakingnews/ElectionResults_2004_VoterFraudInvestigation_MPD-SIU-A2474926.pdf
- ACORN is at the center of a voter fraud scandal in Washington state. One county plans to purge 230 ACORN-provided names from voter rolls in early February 2008 as the county completes an investigation of what one news outlet calls “the worst voter-registration fraud in Washington history.”
<http://www.thenewstribune.com/news/local/story/272772.html>
- Various lawsuits were filed in Nevada by the Hillary Clinton and Barack Obama presidential campaigns—or their surrogates, each alleging voter suppression (such as pre-filled-out ballots, false information provided to voters, etc.) by the other side.

<http://thehill.com/leading-the-news/clinton-wins-nevada-caucuses-steeped-in-accusations-uncertainty-2008-01-19.html>

- A woman cited by opponents of the Indiana photo ID law (discussed below) as an example of how the law hurts older people was just discovered to be registered to vote in two states (Florida and Indiana). She used her Florida driver's license to try to vote in Indiana in 2006.
http://www.kpcnews.com/articles/2008/01/09/news/today/evening_star/doc478441f2313a5420740819.txt
- Ward officials in Chicago were recently accused of manipulating absentee ballots.
<http://www.suntimes.com/news/metro/766772,CST-NWS-vote30.article>
- A federal judge recently sentenced a Kentucky man for buying votes in a primary election in 2006. <http://www.wave3.com/Global/story.asp?S=7591900&nav=0RZF>

Legislative Proposals: The legislative proposals that have been introduced in the House during the 110th Congress to address election integrity can be grouped into two main subgroups: 1) ballot integrity and 2) voter verification. Examples of both are below.

Ballot Integrity

Rep. Rush Holt (D-NJ) introduced the [Voter Confidence and Increased Accessibility Act](#) (H.R. 811), which would make a number of changes to federal election law, specifically regarding the audit capacity of voting systems. The bill would require, by November 2008, that each voting system used in a federal election meet certain requirements, require that paper receipts be produced for each vote cast, set certain requirements for manual recounts, and prohibit modern technology from being used for any voting system in a federal election. *The bill, as reported from committee, was scheduled for House floor consideration in September 2007, but the bill was pulled after it was the subject of intense opposition from state and local election officials.*

Rep. Susan Davis (D-CA) introduced the [Universal Right to Vote by Mail Act](#) (H.R. 281), which would prohibit a state from imposing additional conditions or requirements on the eligibility of an individual to cast a vote in federal elections by mail, except to the extent that it imposes a deadline for requesting the ballot and returning it to the appropriate state or local election official. *On April 2, 2008, the House Administration Committee marked up the bill and by voice vote ordered it reported to the full House.*

Rep. Stephanie Tubbs Jones (D-OH) introduced the [Count Every Vote Act](#) (H.R. 1381), which would implement a variety of federal mandates on election systems, including making it easier to cast provisional ballots, making it harder to purge voter rolls, and making it easier for ex-felons to vote. *The bill has not been acted on by committee.*

Rep. Steve King (R-IA) introduced the [Know Your Vote Counts Act](#) (H.R. 3500), which would require that election systems used in federal elections provide a paper receipt of each

vote (which could not be removed from the polling place) and the opportunity for each voter to verify his or her vote (and the chance to make changes) before the vote becomes final. *The bill has not been acted on by committee.*

Rep. Rush Holt (D-NJ) introduced the [Provisional Ballot Fairness in Counting Act](#) (H.R. 4145), which would prohibit any election recount until all provisional votes (votes cast when the voter is not registered or otherwise is not immediately qualified to vote, pending further investigation) have been counted. The chief state election official, in determining whether to count a provisional vote, would have to review, not only official registered voter lists, but also any information an individual voter submitted during the registration process. Provisional ballots in a federal election would have to be treated as a voter registration application, if the vote is rejected on the ground that the individual is not registered to vote in the election. *The bill has not been acted on by committee.*

Rep. Rush Holt (D-NJ), in response to the bipartisan controversy that erupted over his bill, H.R. 811, which almost came to the House floor, introduced the [Emergency Assistance for Secure Elections Act](#) (H.R. 5036), which require the Election Assistance Commission (EAC) to reimburse states for the costs of converting to voting systems that produce paper ballots, reimburse any jurisdiction for the costs of conducting manual audits or hand recounts of the November 2008 federal election, and direct the National Institute of Standards and Technology (NIST) to study systems for verifying paper ballots. *On April 15, 2008, the bill was brought to the House floor and failed by a vote of [239-178](#) (two-thirds required for passage under suspension of the rules).*

Rep. Keith Ellison (D-MN) introduced the [Make Provisional Ballots Count Act](#) (H.R. 5628), which would allow same-day voter re-registration at polling places on the date of election for individuals otherwise permitted to cast provisional ballots and require the counting of provisional ballots cast by individuals determined to be registered to vote in the state or the congressional district. *The bill has not been acted on by committee.*

Rep. Zoe Lofgren (D-CA) introduced legislation ([H.R. 5803](#)) directing the Election Assistance Commission to establish a grant program for states and localities to implement a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the November 2008 federal election or some other emergency situation. *On July 15, 2008, the bill was brought to the House floor and failed by a vote of [248-170](#) (two-thirds required for passage under suspension of the rules).*

Delegate Eleanor Holmes Norton (D-DC) introduced legislation ([H.R. 6077](#)) that would allow local jurisdictions to conduct early voting in elections for federal office, require acceptance of absentee ballots without sufficient postage, require ballots cast at incorrect polling places by eligible voters to be counted, and provide notification to individuals whose names do not appear on the official list of eligible voters at a polling place to cast ballots at the correct polling place. *The bill has not been acted on by committee.*

Voter Verification

Rep. John Doolittle (R-CA) introduced the [Federal Election Integrity Act](#) (H.R. 481), which would prohibit an election official from providing a federal election ballot to an individual who desires to vote in person unless the individual presents to the official: a government-issued, current, and valid photo identification; or (beginning in 2010) a government-issued, current, and valid photo ID for which the individual was required to provide proof of U.S. citizenship as a condition for issuance of the ID. An individual who does not present such an ID would be permitted to cast a provisional ballot, but such individual would have to present the required ID within 48 hours after casting the provisional ballot to have that vote verified. *The bill has not been acted on by committee.*

Rep. Tom Feeney (R-FL) introduced the [Verifying the Outcome of Tomorrow's Elections Act](#) (H.R. 879), which would prohibit an election official from providing a ballot for a federal election to an individual who desires to vote in person or by mail, unless the individual presents to the official a current, valid, state-issued photo identification based on proof of U.S. citizenship. *The bill has not been acted on by committee.*

Rep. Keith Ellison (D-MN) introduced the [Voter Access Protection Act](#) (H.R. 4026), which would prohibit election officials from requiring an individual to provide a photo identification as a condition for voting in a federal election. *The bill has not been acted on by committee.*

Rep. Ginny Brown-Waite (R-FL) introduced the [Noncitizen Voting Prevention Act](#) (H.R. 5695), which would require applications for voter registration with respect to federal office to include a statement regarding the deportability of aliens making false claims of U.S. citizenship and require the posting at polling places of notices that it is a violation of federal law for an individual who is not a U.S. citizen to cast a ballot in an election for federal office. *The bill has not been acted on by committee.*

Rep. Tom Feeney (R-FL) introduced a resolution ([H.Con.Res. 357](#)) encouraging all states to enact laws requiring photo identification to vote in elections. *The resolution has not been acted on by committee.*

Additionally, on January 9, 2008, the U.S. Supreme Court heard arguments in *Crawford v. Marion County Election Board* and *Indiana Democratic Party v. Rokita*. The controversy surrounds Indiana's requirement that voters show photo identification when they cast their ballot. As Robert Bluey of the Heritage Foundation [notes](#), proponents of the Indiana law argue that, at a time when Americans are asked to show photo ID for routine things like buying alcohol or getting on an airplane, it does not seem unreasonable to require the same for voting in federal elections. Bluey also notes that there is also considerable public support for voter ID requirements; [Rasmussen puts the number at 77 percent approval nationally](#).

Opponents of photo ID laws, including the Democrat Party and the American Civil Liberties Union (ACLU), assert that requiring photo ID at polling places disenfranchises low-income citizens, minorities, and seniors, who are less likely to have photo IDs. However, a [statistical](#)

[analysis completed by The Heritage Foundation](#) in September 2007, found that voter ID laws do not depress voter turnout.

About 35 congressional Republicans [filed a friend-of-the-court brief](#) stating that, when they helped enact the Help America Vote Act, they fully intended to give states the freedom to set their own rules regarding voter verification. Indiana took advantage in 2005 and approved its photo ID requirement that is being challenged now.

On [April 28, 2008](#), the U.S. Supreme Court [upheld](#) a lower-court ruling on the *Crawford v. Marion County Election Board* case (Indiana's photo ID requirement) that the burden the photo ID requirement places on voters is offset by the benefit to voters at large and to electoral integrity of reducing the risk of vote fraud. Thus, the Supreme Court upheld the constitutionality of Indiana's photo ID law.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718